

Senator Guinn also introduced a bill to create the office of Auditor.

Bill read first time, and referred to Committee on Finance.

Senator Saufley introduced a bill to authorize the County Court of Marion county to appropriate a portion of the jury fund of said county for the purpose of building a jail for said county.

Bill read first time, and referred to Judiciary Committee.

Upon motion of Senator Shannon, the unfinished business (pending the consideration of which the Senate adjourned on Friday, September 7th,) was laid on the table for the present, and the majority and minority reports of the select committee on frontier protection, was taken up.

And upon motion of Senator Shelley, the Senate went into committee of the whole to take into consideration the subject of frontier protection.

Senator Shelley in the chair.

Senator Shelley, Chairman of Committee of the Whole, reported progress of the committee on consideration of the bill on frontier protection, and asked leave to sit again.

Upon motion of Senator Yarbrow, Senator Littleton was excused from attendance upon the Senate for one week from to-day.

Upon motion of Senator Foscoe, the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, }
Sept. 11, 1866. }

Senate met, pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

A message was received from his Excellency, the Governor.

Senator Shelley presented petition of De Rejie.

Referred to Committee on Public Buildings.

Senator Parker submitted the following report :

Hon. R. H. Guinn, President pro tem. of Senate :

The Committee on Enrolled Bills, have examined "An act incorporating the city of Jefferson, in Marion county," and find the same correctly enrolled, properly signed, and they have this day presented the same to the Governor for his approval.

F. J. PARKER, Chairman.

Report accepted.

Senator McDade submitted the following report :

Hon. R. H. Guinn, President pro tem. of Senate :

Your Committee on the Land Office, to whom was referred a bill entitled "An act to confirm the grant of lands to the Washington County Railroad Company," have duly considered the same, and find that said company completed their road of twenty-five miles within the time prescribed by the General Railroad Law then in force, and that said road was in 1861 duly examined by the State Engineer and accepted, and his report duly filed as the law required. It also appears from the records of the General Land Office, that certificates were issued for a portion of the lands to which said company were entitled, and that said company executed bonds under — section of the General Railroad Law, and obtained a certificate from the Commissioner of the General Land Office in conformity with the provisions of said act under which a portion of their lands were located ; that said company completed their said road just before the commencement of the late war, and that during the war all the Land Offices within the Districts where said company had located their lands, as well as all business in the General Land Office has been necessarily suspended, and that the General Railroad Law passed January 5th, 1854, has in the meantime expired. Your committee find that said company are justly entitled to the land claimed, and therefore recommend the passage of said bill.

J. W. McDADE, Chairman.

Received to come up in order.

Senator Yarbrow made the following report :

Hon. R. H. Guinn, President pro tem. of Senate :

The Committee on Manufactures and Commerce, to whom was referred House bill, entitled "An act to incorporate the Dallas Manufacturing Company," having had the same under consideration, a majority of the committee have instructed me to report the bill back to the Senate, and recommend its passage.

J. C. YARBROW, Chairman.

Received to come up in order.

Senator Randolph submitted the following report :

Hon. R. H. Guinn, President pro tem. of Senate :

The Committee on the Penitentiary, to whom was referred a bill to be entitled "An act to amend an act to adopt and establish a Penal Code," have considered the same, and instruct me to report it back and recommend the adoption of the accompanying substitute.

BENTON RANDOLPH, Chairman.

Received to come up in order.

Senator Cook made the following report :

Hon. R. H. Guinn, President pro tem. of Senate :

The Committee on Federal Relations, have had under consideration that portion of the Special Message of his Excellency the Governor, dated September 3d. instant, which adverted to the assembling of the National Conservative Convention in the city of Philadelphia, and the political principles enunciated by that body, sincerely desirous of promoting harmony of legislative action upon a question of so much importance, your committee by invitation, met the House Committee on Federal Relations in joint session, and as the result of their deliberations, the accompanying resolution was agreed upon, and your committee instruct me to report the same to the Senate and recommend its adoption.

R. V. Cook, Chairman.

Report read, and upon motion of Senator Shelley, rule suspended and report taken up and resolution ordered to be engrossed.

Rule further suspended, resolution read third time and passed. Senator Record submitted the following report :

Hon. R. H. Guinn, President pro tem. of Senate :

The Committee on the Judiciary, to whom was referred the following bills and resolutions, to-wit :

A bill to be entitled "An act regulating the collection of debts and for other purposes."

"An act requiring property offered at forced or sheriff's sale in certain cases to bring two-thirds of its appraised value."

And a resolution requesting the Judiciary Committee to inquire into the expediency and constitutionality of passing a law allowing creditors to collect 33 $\frac{1}{3}$ per cent. of their credits annually, have had the same under consideration, and after maturely investigating the whole subject, the majority of the committee have requested me to report the following substitute and recommend its passage.

It is proper that I should say in behalf of the committee, that the substitute reported is not relieved of all objections. Grave constitutional questions are involved, upon which your committee differed, yet from charitable promptings towards our oppressed people, have withheld an expression of opinion.

The bills recommending appraisement before sale of property under execution, in the judgment of a majority of the committee, are more obnoxious to constitutional tests than the plan of payment by installment, which is the basis of their substitute, and to their minds the appraisement system is also more objectionable, for the reason that it gives greater room for fraud, and

opens the way for the constant exercise of bad faith upon the part of the debtor toward his creditor, without the possibility of any adequate security or compensation to the creditor.

Your committee, feeling that all relief laws being solely for the benefit of the debtor and the injury of the creditor, in prolonging the time for the collection of that which is due him, both in law and conscience, the majority recommends this substitute believing it will accomplish the relief that misfortune has made necessary and proper for the debtor, and at the same time enable the creditor annually to collect a portion of the means upon which himself and family are dependent for sustenance.

The substitute also provides for officers of courts to collect their costs. It is unreasonable to expect officers of the courts to perform their labors, from year to year, without any provision by which they can collect their costs.

Believing, therefore, that the substitute embodies all the relief that ought in conscience to be asked, and recognizes, at the same time, as far as is consistent with the nature of the bill, all the rights and equities between creditor and debtor, which alone is the true basis of all just and humane laws, they believe that the substitute possesses in an imminent degree advantages over the other bills, and will give more universal satisfaction both to debtor and creditor.

J. K. P. RECORD, Chairman.

Received to come up in order.

Senator Record also reported :

Hon. R. H. Guinn, President pro tem. of the Senate :

The Judiciary Committee, to whom was referred a bill to be entitled "An Act to repeal an act to suspend the location, survey and sale of the public lands, except in certain cases," approved December 14th, 1863, have had the same under consideration, and have instructed me to report the same back to the Senate with a substitute therefor, and recommend the adoption and passage of the substitute.

J. K. P. RECORD, Chairman.

Received to come up in order.

Senator Record also reports :

Hon. R. H. Guinn, President pro tem. of the Senate :

The Committee on the Judiciary, to whom was referred the resolution requesting them to consider and report upon the propriety of enacting a law that will authorize guardians, administrators and trustees to settle, by compromise, with the debtors of their respective estates, all debts contracted prior to the first day of July, 1865, have had the same under consideration. The

committee are of opinion that it is proper that guardians and administrators should be authorized by law to compound bad and doubtful debts due to estates in their hands ; provided, the proper safeguards are thrown around to protect against frauds. That to do this it is proper that in all cases of proposed compromises the facts and circumstances shall be presented by petition to the County Judge and an order made by the court upon a full consideration thereof, and the action of the guardian or administrator be subject to approval and confirmation, as in sales of property of estates. The committee do not deem it proper to extend this authority to trustees, and have instructed me to report the resolution back to the Senate with the accompanying bill, and recommend that the bill be passed.

J. K. P. RECORD, Chairman.

Received to come up in order.

Senator Record also reports :

Hon. R. H. Guinn, President pro tem. of the Senate.

The Judiciary Committee, to whom was referred a bill to be entitled "An Act to incorporate the town of Denton, in Denton county," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

J. K. P. RECORD, Chairman.

Received to come up in order.

Senator Record also reports :

Hon. R. H. Guinn, President pro tem. of the Senate:

The Judiciary Committee, to whom was referred a bill to be entitled "An Act to confer the office of Librarian upon clerks of the Supreme Court," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage with the following amendments, to-wit :

Amend Section 2 by striking out the word "four," between the words "of" and "dollars," and insert the word *one* in lieu thereof.

J. K. P. RECORD, Chairman.

Received to come up in order.

Senator Record also reports :

Hon. R. H. Guinn, President pro tem. of the Senate:

The Judiciary Committee, to whom was referred a bill to be entitled "An Act to authorize the County Court of Marion county to appropriate a portion of the jury fund of said county, for the purpose of building a jail for said county," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

J. K. P. RECORD, Chairman.

Report received to come up in order.

Hon. R. H. Guinn, President pro tem. of the Senate :

The Judiciary Committee, to whom was referred a bill to be entitled "An Act for the relief of S. B. Reed," have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend its passage.

J. K. P. RECORD, Chairman.

Report received to come up in order.

A Message was received from the House, announcing the passage of the following bills :

A bill to incorporate the town of Wharton, in Wharton county, and a bill creating the office of State Librarian.

Senator Record, Chairman of Committee on the Judiciary, reported back a bill to amend an act to amend an act entitled "An Act to regulate proceedings in the County Court, pertaining to estates of deceased persons," and recommended its passage.

Report received to come up in order.

Senator Parker introduced a bill to consolidate the counties of Cameron and Hidalgo with one land district.

Bill read first and second times, and referred to Committee on Counties and County Boundaries.

Senator Foscue introduced a bill making appropriation for the payment of the salaries of officers of the Provisional Government, and for indebtedness of the State, incurred during the pendency of said Government, still remaining unpaid."

Bill read first and second times, and referred to Committee on Finance.

Senator Cook introduced a bill to amend the fourth section of "An Act to dispense with the necessity of protesting negotiable instruments for dishonor, and of giving notice thereof, and to regulate assignments of all written instruments," approved January 25th, 1840.

Rule suspended, bill read by caption, and referred to Judiciary Committee.

Senator Blount introduced a bill to authorize the Police Court of the county of Denton, to issue bonds of the county for the purpose of erecting public buildings for the county.

Rule suspended, bill read by caption, and referred to Judiciary Committee.

Senator Shelley offered the following resolution :

Resolved, That the Committee on the military, be requested to inquire into the propriety of prohibiting military organizations of a local and secret character, and of requiring all associations of persons, maneuvering or drilling with arms or exercising in

military evolutions without arms, to file with the County Judge a complete list of the names of all persons belong to such associations, and of affixing appropriate penalties to violations of this requirement, and to report by bill or otherwise.

Resolution adopted.

Senator Shelley introduced the following joint resolution :

WHEREAS, The remains of General Albert Sidney Johnston, who fell at Shiloh, were stopped in New Orleans on their way to Texas, by the capture of that city, and have never been removed thence ; and,

WHEREAS, It was the desire of the deceased that he should be buried in the State of Texas ; and,

WHEREAS, It is believed to be the wish of the people of this State, that the dying request of one whom Texas was proud to acknowledge, as one of the most illustrious of her citizens, should be complied with ; therefore,

Be it resolved by the Legislature of the State of Texas, That the sum of ——— thousand dollars, or so much thereof as may be necessary, be appropriated out of any money in the Treasury, not otherwise appropriated by law, to defray the expenses of the removal and burial of the remains of General Albert Sidney Johnston, in the State Cemetery in the city of Austin.

2d. *Be it further resolved, That the Governor be and he is hereby requested to take, at an early day, such steps as he may deem necessary, to carry into execution the purposes of these resolutions, and that they be in force from and after their passage.*

Resolutions read first time, and referred to Committee on State Affairs.

Senator Randolph introduced a bill to regulate the payment of fees and salaries of civil officers, clerks and employees.

Bill read first and second times, and referred to Committee on Finance.

Upon motion of Senator Stell, the rule was suspended, and the joint resolutions, approving the reconstruction policy of the President of the United States, and also approving the action of the Philadelphia Convention, together with the amendments recommended by the Committee on Federal Relations, were taken up, and the amendments made.

Resolutions read second time, and ordered to be engrossed. Rule suspended, read third time, and passed.

Upon motion of Senator Shelley, the Senate resolved itself into Committee of the Whole upon the Frontier bill, Senator Shelley in the chair.

Senator Shelley, Chairman of Committee of the Whole, reported a substitute for the bill on Frontier Protection, and asked that the committee be discharged from a further consideration of the subject.

Report adopted.

Upon motion of Senator Burney, Senate adjourned until 10 o'clock to-morrow morning.

SENATE CHAMBER, }
AUSTIN, Sept. 12, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Upon motion of Senator Jowers, the vote adopting the report of the Committee of the Whole, upon the Frontier Bill, was reconsidered.

Senator Shelley presented petition of heirs of Berry Doolittle for land.

Referred to Committee on Private Land Claims.

Senator Shelley also presented petition of P. D. Turner.

Referred to Committee on Claims and Accounts.

Senator Foscue made the following report :

To the President of the Senate :

Your committee on Finance, to which was referred a bill to be entitled "An Act for establishing and funding the public debt of the State of Texas, and creating an Auditorial Board therefor," and also a bill to be entitled "An Act to create the office of Auditor," have had the said bills under consideration, and instruct me to report the accompanying substitute in lieu of the two bills referred to the committee, and recommend its passage. The committee unanimously concur in the belief that the proposed substitute will subserve all the purposes contemplated.

F. F. FOSCUÉ, for the Committee.

Received to come up in order.

Senator Neyland submitted the following report :

Hon. R. H. Guinn, President pro tem. of Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed, joint resolutions relative to the action of the Philadelphia Convention.

Joint resolution endorsing the action of the National Union